

## FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

(1) Omar S. Folk 70338-067  
 (Name of Plaintiff) (Inmate Number)  
FCI Allenwood Medium  
P.O. Box. 2000 White Deer PA  
 (Address) 17887

(2) \_\_\_\_\_  
 (Name of Plaintiff) (Inmate Number)  
 \_\_\_\_\_  
 (Address)

(Each named party must be numbered,  
and all names must be printed or typed)

vs.

(1) Bureau of Prisons, Employee's  
 (2) And Medical Staff et. al.  
 (3) \_\_\_\_\_  
 (Names of Defendants)

(Each named party must be numbered,  
and all names must be printed or typed)

TO BE FILED UNDER: \_\_\_\_\_ 42 U.S.C. § 1983 - STATE OFFICIALS

X 28 U.S.C. § 1331 - FEDERAL OFFICIALS

## I. PREVIOUS LAWSUITS

- A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

I filed lawsuit in 2008 it was assign Honorable Judge William  
W. Caldwell then dued to conflict of interest the complaint  
was transfer to Honorable Judge Richard P. Conaboy Case No. N/A  
Pending third reconsideration by Honorable Judge Richard P.  
Conaboy lawsuit filed on Feb. 21, 2013 Civ. No. 3:13-cv-474-  
RPC-JVW, Second filing and the same judge.

FILED  
 SCRANTON  
 NOV 23 2018  
 PER Amo  
 DEPUTY CLERK

3:18cv2252  
 (Case Number)

CIVIL COMPLAINT  
 FILED  
 SCRANTON  
 NOV 23 2018  
 PER \_\_\_\_\_  
 DEPUTY CLERK

**II. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? x Yes      No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? x Yes      No
- C. If your answer to "B" is Yes:
1. What steps did you take? \_\_\_\_\_  
\_\_\_\_\_
  2. What was the result? Denied \_\_\_\_\_  
\_\_\_\_\_
- D. If your answer to "B" is No, explain why not: \_\_\_\_\_  
\_\_\_\_\_

**III. DEFENDANTS**

- (1) Name of first defendant: PA-C Samuel Gosa  
Employed as PA-C Gosa at FCI Allenwood Medium  
Mailing address: P.O. Box. 2500 White Deer, PA 17887
- (2) Name of second defendant: Clinical Director Elizabete Santos/Stahl  
Employed as Doctor Santos/Stahl at FCI Allenwood  
Mailing address: P.O. Box. 2500 White Deer, PA. 17887
- (3) Name of third defendant: Dr. Robert E. Pucell Jr.  
Employed as Doctor at Susquehanna Gastroenterology ASS. LTD  
Mailing address: 10 Choate Circle Montoursville, PA 17754  
(List any additional defendants, their employment, and addresses on extra sheets if necessary)

**IV. STATEMENT OF CLAIM**

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets if necessary.)

1. PA-C Samuel Gosa: Personally Involved dued to Folk multiple times explaing to PA-C Gosa he suffering pain in right side and which felt like a stabbing and burning pain feeling. I I told him I need to go to hospital. Now all Gosa stated that you will recieve the operation soon. Furthermore Folk suffer continue pain from Dec. 15, 2016 up until 2-3-2017 when the gallbladder was actually remove.

Now gallstone size was 2.3cm full dimension causing extreme pain to Folk right side. I suffer pain and suffering, emotional distress and Delay in Treatment for not receiving operation in timely fashion when then was unbearable causing Folk to not eat but one meal a day. Thereafter being deprive of "Special Diet".

2. Clinical Director Elizabete Santos/Stahl personally involved when she could have help Folk not suffer from unbearable pain dued delay intreatment which Dr. Santos/Stahl was referring Physican and was aware of Folk suffer from gallstones in "DCP" and "PCP" from 7-20-12 up until 11-22-13. Now this cause Folk to suffer emotional distress, pain and suffering and delay intreatment for non medical reason under Dr. Santos/Stahl physical capacity and under BOP policy and custom by not receiving Cholecystectomy in timely fashion. After being exam 8-22-14 and 12-2-15.
3. Dr. Robert E. Pucell Jr. personally involved under his physical capacity: Folk was delayed proper treatment when suffering from gallstones which build up to massive Oversize gallstone 2.3cm. Now when Folk was diagnose Hiatel Hernia and Reflux Esophagitis abdnominal pain from (greasy or dairy) along with nausea and vomit-ing and continuing PPI RX which this cause Folk to suffer for many years after Appointment on 8-22-2014 up until 2-3-17 operation date.
- 4 Biopsy specimens taking Omeprazole 40mg twice a day, 30 min before breakfast and supper. Folk suffer pain and suffering and Emotional (distress)

## V. RELIEF

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. PA-C Gosa should be liable to Folk suffering intentional pain which develope him to punitive damages, compensatory damages, deliberate indifference. When the facts were clear Plaintiff has been traumatize to not go into to the Kitchen when the facts in each prison USP and FCI Medium Folk suffer from eating out of these kitchens. Now Folk ask Special Diet and has been denied. The Reward for these re-occurring problems dued to loss of enjoyment and also up above damages should be 1 million dollars.
2. Clinical Director Doctor Elizabete Santos/Stahl should be liable punitive damages, compensatory damages, deliberate indifference loss of enjoyment when the facts are clear she was referring physican who should have not let Plaintiff suffer unwanton pain for over 3 years when the facts it was clear in 7-12-12 there-fore Plaintiff should be Rewarded 5 million dollars.
3. Dr. Robert E. Pucell Jr. should be liable for pain and suffering when undergoing the clear mis-diagnose and poor treatment Folk suffer from dearly to the point of causing vomiting and nausea this feel under punitive damages, compensatory damages, deliberate indifference which Plaintiff should be Rewarded 2 million dollars.

#### IV. STATEMENT OF CLAIM

4. Dr. Burn: personally involved in physical capacity Now Folk experience delay in treatment for over many years and the facts when Dr. Burn ask Folk if he taken Carafate. Folk answer I did sometime ago back "PCP" prescribe on 6/13/13 Carafate 1g Before each meal for 14 days. Now in response to Folk question it was not clear when but Dr. Burn still prescribe Folk this same medication on 10/21/15 7:17am. Then Dr. Burn stated its alot of people who live with gallstones that don't need surgey. Then Dr. Burn stated the little ones are the ones that need remove not the big ones because they cause less pain. Folk stated I'm going through servere pain like a burning feeling and needle stabbing pain in my right side also all over my stomache. Thereafter Dr. Burn stated you will not recieve Cholecystectomy.

Folk States Dr. Burn suffer unbearable pain dued to Dr. Burn misdiagnose of gallstones condition which Folk suffer since 7/20/12 "DCP" the documents came from Memorial Hospital York PA. 17402. Folk suffer deliberate Indifference, Emotional Distress, Pain and Suffering for non medical reason when in Memorial Hospital records Folk suffer same pain on 7-12-12.

5. Dr. Bushman: personally involved in physical capacity When back 7/20/12 "DCP" medical records it was clear Folk suffer from gallstones being reported into gallbladder. After Folk was arrested at Federal Court House Federal Drug Offense. Then also while being house in "DCP" and "PCP" Folk suffer dearly not being able to eat dairy food and vomiting dued to gallstones causing upset stomache and also eating greasy foods. Now Folk arrive at USP Allenwood on 11-22-13 up until Dec. 15, 2016. Folk was order to go to Suquehanna Endoscopy Center first time on 8-22-14 and was Diagnose with Hiatal Herina and Reflux Esophagitis-Esophagitis suffer abdominal pain history of duodenal ulcer, Current upper abdominal pains, following meals(greasy or dairy) along with nausea and continuing despite PPI RX. Folk has taken Omeprazole 40mg twice a day, 30 min. before breakfast and supper. Brian Bushman MD. personal Involved dued to also causing Folk to suffer unbearable pain and misdiagnose of gallstones condition.

7/16/2015 Allenwood USP ULTRASOUND

Referring Facility Dr. Brian Buschman

Gallstone size of 18x15x9mm

9/28/2015 Evangelical Community Hispital One Hospital

Allenwood USP Dr. Brian Buschman

Referring Facility Doctor

Folk underwant HIDA SCAN which was Functioning at

low end of normal showing Folk gallbladder not producing duod to blockage of gallstone a only fuction at 37%.

Dr. James's O'Brien MD was dictator

12/2/15

Brian Buschman MD.

Referring Physican

Which was explain again Folk suffer upper abdominal pain duod to Eosinphilic-Esophagitis and Hiatal Hernia

Which shows again Dr. Buschman did not address the concern of gallstones.

5/2/2016 Allenwood USP ULTRASOUND

Referring Facility Dr. Brian Buschman

Gallstone size of 18x16mm "Cholelithiasis"

10/7/2016 Dr. Brian Buschman MD.

Chronic Care Visit: Folk explain to Dr. Buschman that I been going through this pain for years now and I'm tired of being mis-treated Then I explain I haven't been eating properly only once a day duod to pain in my stomache which when I eat certain foods it cause me to burning pain feeling and stabbing needle pain like if something is stabbing my right side. Thereafter I told Dr. Buschman if you don't help me I will be force to file a Bivens action because I been going from doctor offices for over Two years and still suffer pain. Even Though it was clear something is clearly wrong.

10/12/2016 Dr. Bradley J. Mudge, DO and witness John Doe was present in PA Office.

Doctor Mudge: General Surgeon ask me what did they say was wrong with you Mr. Folk? Folk stated they diagnose me with Hiatal Hernia and Ulcers also Reflux Esophagitis-Eosinophilic. Then Doctor Mudge stated what wrong is you need your gall-bladder remove.

10/27/2016 NREMT-P acting in role of UR Committee for Region Potope, James HSA submitted documentation.

11/9/2016 Surgey Approve by Manenti, John Do. RMD acting in the role Regional Review

12/15/2016 Folk was Transfer To FCI Allenwood

2/3/2017 Folk Undergo Surgey at Evangelical Community Hospital Do. Bradley J. Mudge One Single Yellow Green Egg-Shaped Calculus was measure 2.3cm in greatest dimension which cause gallbladder to have to be remove. Oversize gallstone pretruding out of gallbladder.


**V. RELIEF**

4. Dr. Burn should be liable to Folk suffering when he denied Folk prescribe treatment from Memorial Hospital on 7/12/12 When I was order to have surgey at Memorial Hospital dued to sample of gallstone pain. Punitive damages, compensatory damages, deliberate indifference is met. Plaintiff should be Rewarded 2 million dollars.
5. Dr. Buschman should liable to Folk suffering pain and suffering dued to being Folk Doctor which he could have cause Folk to not suffer pain for many years when it was clear from Ultrasound that the size of gallstone was getting bigger. Folk suffer delay damages for not being treated properly under punitive damages, compensatory damages, deliberate indifference. Plaintiff should be Rewarded 5 million dollars.

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I declare under penalty of perjury that the foregoing is true and correct.

Signed this 20 day of November, 2018.

  
\_\_\_\_\_  
(Signature of Plaintiff)



0 MAIL

FCI Atlantic

PO Box 300

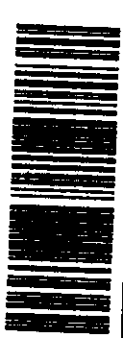
White Deer PA 17883

Legal

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70338-067  
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United States

